

**ASSEMBLY BILL**

**No. 45**

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**Introduced by Assembly Member Jeffries**

**(Principal coauthors: Assembly Members Cook, Nielsen, and Olsen)**

(Principal coauthor: Senator La Malfa)

**(Coauthors: Assembly Members Achadjian, Bill Berryhill, Conway, Donnelly, Fletcher, Beth Gaines, Garrick, Grove, Hagman, Halderman, Harkey, Jones, Knight, Logue, Mansoor, Miller, Morrell, Nestande, Norby, Silva, Smyth, Valadao, and Wagner)**

(Coauthors: Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, Runner, Strickland, Walters, and Wyland)

September 2, 2011

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An act to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as introduced, Jeffries. State responsibility areas: fire prevention fees.

(1) Existing law requires the State Board of Forestry and Fire Protection, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed, commencing with the 2011–12 fiscal year. Existing law establishes the State Responsibility Area Fire Prevention Fund and

prohibits the collections of fire prevention fees if, commencing with the 2012–13 fiscal year, there are sufficient amounts of moneys in the fund to finance specified fire prevention activities for a fiscal year. Existing law requires that the fire prevention fees collected, except as provided, be deposited into the fund and be made available, to the board and the Department of Forestry and Fire Protection for certain specified fire protection activities that benefit the owners of structures in state responsibility areas who are required to pay the fee. Existing law further requires the board, on and after January 1, 2013, to submit an annual written report to the Legislature on specified topics.

This bill would repeal the above provisions relating to the fire prevention fees.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 1.5 (commencing with Section 4210) of
- 2 Part 2 of Division 4 of the Public Resources Code is repealed.
- 3 SEC. 2. This act addresses the fiscal emergency declared and
- 4 reaffirmed by the Governor by proclamation on January 20, 2011,
- 5 pursuant to subdivision (f) of Section 10 of Article IV of the
- 6 California Constitution.

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